

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

John D. West, on Behalf of Himself  
and All Other Persons Similarly Situated,

Plaintiff,

V.

AK Steel Corporation Retirement  
Accumulation Pension Plan, and

AK Steel Corporation  
Benefit Plans Administrative Committee

Defendants.

Case No. 1:02-cv-0001

Judge: Hon. Sandra S. Beckwith

Magistrate Judge: Timothy S. Black

**JOINT MOTION TO CONTINUE BRIEFING ON**  
**PLAINTIFF'S ATTORNEYS' FEE MOTIONS**

On January 18, 2006, plaintiff filed two motions with the Court seeking attorneys' fees and costs in this action. (Docket nos. 131, 132). On February 3, 2006, defendants filed a motion requesting that the Court defer consideration of plaintiff's fee motions pending resolution of defendant's appeal of the Court's forthcoming final judgment to the United States Court of Appeals for the Sixth Circuit. (Docket no. 135). The parties have conferred on these pending motions, and plaintiff does not intend to oppose defendants' motion to defer consideration of plaintiff's fee petitions (although plaintiff reserves his position that defendants have no standing to be heard on plaintiff's motion for a common fund fee and costs award). Plaintiff intends to file a response by February 10, 2006 confirming his position on defendants' motion.

Consistent with this agreement, the parties now jointly move the Court to issue an order continuing further briefing on plaintiff's attorneys' fee motions pending the Court's entry

of an Order resolving defendants' pending motion to defer consideration of plaintiff's fee motions.

Respectfully submitted,

s/ Thomas R. Theado per e-mail  
per e-mail authorization on 2/7/06  
Thomas R. Theado (0013937)  
GARY, NAEGLE & THEADO LLC  
446 Broadway Avenue  
Lorain, OH 44052-1797  
(440) 244-4809  
Tom.Theado@aol.com

*Plaintiff's Trial Attorney and Class Counsel*

Robert D. Gary  
Jori Bloom Neagle  
Thomas A. Downie  
GARY, NAEGLE & THEADO LLC  
446 Broadway Avenue  
Lorain, OH 44052-1797  
(440) 244-4809

Allen G. Engerman  
LAW OFFICES OF  
ALLEN C. ENGERMAN, P.C.  
666 Dundee Road #1200  
Northbrook, IL 60062  
(847) 564-5555

*Counsel for Plaintiffs*

s/ George E. Yund  
George E. Yund (0017714)  
FROST BROWN TODD LLC  
2200 PNC Center  
201 East Fifth Street,  
Cincinnati, OH 45202-4182  
(513) 651-6824  
gyund@fbtlaw.com

*Trial Attorney for Defendants*

Robert D. Wick  
COVINGTON & BURLING  
1201 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2401  
(202) 662-6000  
rwick@cov.com

*Attorney for Defendants*